IN THE UNITED STATES DISTRICT OF TEXAS 4: 53
SAN ANTONIO DIVISION 1111 -2

TRAVIS CO. JOINT VENTURE, ROGER C. HILL, SR., & CHRISTOPHER HILL	<i>ത ത ത ത</i>	CLERK, US DISTRICT OF TEXA WESTERN DISTRICT OF TEXA DEPUTY
Plaintiffs,	3 §	
v.	9 §	
	8 8	CASE NO. 06-CV-146
HENNESSEE GROUP, L.L.C.,	§	
ELIZABETH LEE HENNESSEE	§	
and CHARLES J. GRADANTE	8	
Defendants.	§	

MOTION FOR LEAVE TO FILE SUPPLEMENTAL REPLY

TO THE HONORABLE COURT:

NOW COME Plaintiffs Travis Co. J.V., Roger C. Hill, Sr. and Christopher Hill, and file this Motion for Leave to File Supplemental Reply and, in support, state as follows:

Plaintiffs filed a Motion to Stay Claims Pending Arbitration to which Defendants responded on May 15, 2006 with Defendants' Opposition to Plaintiffs' Motion to Stay Claims Pending Arbitration ("Opposition to Stay"). In Defendants' Opposition to Stay, one reason Defendants gave for why the Court should deny the requested stay is that Plaintiffs' NASD arbitration is improper because a putative class action is pending in the Southern District of New York that covers Plaintiffs' claims. Since filing Plaintiffs' Reply in Support of Plaintiffs' Motion to Stay Claims Pending Arbitration on May 30, 2006, the undersigned has discovered information about that alleged class action that undermines to Defendants' argument that NASD arbitration is improper. Therefore,

Plaintiffs' seek leave to file the Supplemental Reply in Support of Plaintiffs' Motion to Stay Claims Pending Arbitration attached hereto.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been sent via certified mail, return receipt requested, to the following counsel of record on this the 2 day of June, 2006:

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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

TRAVIS CO. J.V., ROGER HILL, SR. and CHRISTOPHER HILL	\$ \$ \$ \$
Plaintiffs,	9 9 9
v.	§ CASE NO. 06-CV-146 §
HENNESSEE GROUP, L.L.C.,	§
ELIZABETH LEE HENNESSEE	§
and CHARLES J. GRADANTE	§ §
Defendants.	§

ORDER GRANTING LEAVE TO FILE SUPPLEMENTAL REPLY

On this date the Court considered the Plaintiffs' Motion for Leave to File a Supplemental Reply in support of Plaintiffs' Motion to Stay Claims Pending Arbitration. After reviewing Plaintiffs' Motion and the arguments of counsel, the Court is of the opinion that the Motion should be and hereby is GRANTED. Accordingly, the Court ORDERS that Plaintiffs' "Supplemental Reply in Support of Plaintiffs' Motion to Stay Claims Pending Arbitration" be FILED with the Clerk.

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